PLANNING COMMISSION
OF THE CITY OF CHESTERFIELD
AT CHESTERFIELD CITY HALL
June 26, 2000

The meeting was called to order at 7:00 p.m.

I. **PRESENT**

Mr. Mike Kodner
Mr. Dan Layton, Jr.
Ms. Rachel Nolen
Mr. Jerry Right
Vice Chairman David Banks
Mr. Douglas R. Beach, City Attorney
Ms. Mary Brown, Council Liaison
Mr. John Nations, Council Liaison
Ms. Teresa Price, Director of Planning
Ms. Laura Griggs-McElhanon, Assistant Director of Planning
Mr. Tom Blanchard, Project Planner
Mr. Paul DeLuca, Project Planner
Mr. Mike Hurlbert, Project Planner
Mr. John Wagner, Project Planner
Ms. Kathy Lone, Executive Secretary/Planning Assistant

ABSENT

Mr. Fred Broemmer
Ms. Stephanie Macaluso
Ms. Victoria Sherman

II. **INVOCATION**: Commissioner Nolen

III. **PLEDGE OF ALLEGIANCE**: All

Vice Chairman Banks recognized the attendance of Councilmember Barry Streeter (Ward II) and Council Liaison Mary Brown (Ward IV).

IV. **PUBLIC HEARINGS**:

Commissioner Right read the first portion of the "Opening Comments."

A. **P.Z. 20-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders;** a request for rezoning from "NU" Non-Urban District to "R-4" 7,500 square feet Residence District for a 14.53 acre tract of land located on the southeast side of Olive Boulevard, southwest of Appalachian Trail. (Locator Number 18S 64 0744).

AND

B. **P.Z. 21-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders**; a request for a Planned Environment Unit (PEU) in the "R-4" 7,500 square foot Residence District for the same 14.53 acre tract of land located on the east side of Olive Boulevard, southwest of Appalachian Trail. (Locator Number 18S 64 0744). Proposed Uses:

- Dwellings, single family attached.

Project Planner Paul DeLuca gave a slide presentation of the subject site and surrounding area. The slide presentation covered all four (4) public hearings this evening.

1. Mr. Roger L. Cox, 1550 Wall Street, St. Charles, MO 63303, petitioner for P.Z. 20-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders and P.Z. 21-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders;

- Joint application for three (3) parcels. The original 27-acre parcel is owned by Barnes Jewish Corporation;
- Subject site is bounded by Olive Street, Shenandoah and Chesterfield Plantation;
- This property was rezoned in 1988 to mixed use to allow for the care center. Shortly after it was rezoned, it was graded, landscaped and the buffer installed along Olive Street, Chesterfield Point Parkway and Shenandoah. Utilities and detention basin were installed then the project was stopped and the building never completed;
- P.Z. 20-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders and P.Z. 21-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders is for the front 14 acres of subject site. It originally was zoned for 210 units, 60 units for assisted living and 150 units for independent living in a 3-story building;
- Petitioner is asking for rezoning to permit 55 attached duplexes and triplexes on the front 14.5 acres and replace the 210 units that were previously zoned;
- Greater Midwest Builders has a contract on this property from Barnes Jewish Corporation;
- P.Z. 20-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders allows for the density and P.Z. 21-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders allows for the duplexes and triplexes;
- Site complies with the zoning ordinances; setbacks, existing buffers and landscaping will be maintained. New landscaping will be added for embellishment;
- Petitioner wants to improve Chesterfield Point Parkway and dedicate it and also the interior streets to the public;
- Homeowners Association ensures that the entire property will be well maintained;
- There will not be any units along Olive Street and existing landscaping and buffer will remain along Olive Street;
- Units will have between 1,700 and 1,800 square feet on the main level. There would be a total of 2,700-2,800 square feet of finished livable space with the lower level finished;
- Units would be wired for security systems, computer systems and entertainment systems;
- Units would be priced in the $300,000 range;
- It has not been decided if this will be a gated community;
- Presently, only landscaping is being proposed between the two (2) parcels.

COMMENTS /DISCUSSION

Commissioner Nolen suggested walking trails in the proposed development.

Mr. Cox stated that sidewalks are presently being proposed. Mr. Cox stated that there is a substantial grade change between the two (2) parcels.

Commissioner Kodner recommended that 5-foot wide sidewalks be put in instead of 4-foot wide ones.

Mr. Cox stated that if the streets were dedicated, the City would probably prevent the developer from putting up a gate but the petitioner would still like to embellish the entrance with a turnaround and landscaped island and a gate on both sides.

SPEAKERS IN FAVOR -

1. Mr. D. F. Smith, 831 Brae Court, Chesterfield, MO 63017, speaking in favor of P.Z.20-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders and P.Z. 21-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders;

- Declined to speak.

SPEAKERS - NEUTRAL

2. Mr. Harvey Present, 1073 Appalachian Trail, Chesterfield, MO 63017, speaking neutral on P.Z. 20-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders and P.Z.- 21-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders;

- Speaker asked how many families per unit;
- Speaker expressed concern about the height of the units;
- Speaker expressed concern about the street lighting;
- Speaker stated that part of the east side is to be rezoned but he thought it was common ground. Speaker asked if there are any surveys or indications to show that this is common ground;
- Speaker expressed concern about access onto to Hitchcock Road.

3. Ms. Delores Boehme, 15320 Olive Boulevard, Chesterfield, MO 63017, speaking neutral on P.Z. 20-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders and P.Z.-21-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders;

- Speaker expressed concern about the landscaping and storm sewers.

4. Mr. David Rosen, 15595 Hitchcock Road, Chesterfield, MO 63017, trustee for Chesterfield Plantation Homeowners Association, speaking neutral on P.Z. 20-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders and P.Z. 21-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders;

- Residents of his subdivision are concerned because they do not know what is being proposed;
- Speaker stated that residents are concerned with the erosion problems;
- Speaker expressed concern about the fire easement and how fire trucks will get into the proposed development;
- Speaker stated that the residents do not want microwave towers at this location;
- Speaker stated that the residents have not been contacted by the petitioner.

City Attorney Doug Beach stated that the public hearing is the first stage in the zoning process and plans will be fine-tuned as the zoning is brought into alignment.

5. Ms. Jean Henderson, 1006 Clayton Douglas Court, Chesterfield, MO 63017, speaking neutral on P.Z. 20-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders and P.Z. 21-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders;

- Speaker asked that no decision be made on these petitions until a firm plan is presented;
- Speaker asked that when a plan is submitted, it be circulated among the residents.

Director of Planning Teresa Price presented a plan that showed the different zoning areas in the four (4) public hearings this evening. Ms. Price stated that there is one (1) large lot development which was zoned "MXD" (Mixed). It was set up to be developed a certain way. It was a mixed use type of development. If developed any other way, the entire property had to be rezoned. The nursing home is a permitted use. An addition to the nursing home is being proposed which is also a permitted use. Whether or not the zoning goes through, the addition to the nursing home is a permitted use and they can expand. The additional land area that is not covered under the Conditional Use Permit (CUP) is being proposed to be developed as single-family lots. The Planned Environment Unit (PEU) Procedure will lock in the number of units that will be allowed, whether this is a gated community, whether they are public streets, what the standards are, pedestrian walkways, etc.

REBUTTAL -

Mr. Cox stated the following:

- The units would be single-family, one family per residence;
- Units would be 1-story high;
- The berm stays along Shenandoah;
- The lights will be to City specifications;
- The common ground in the rear, to the petitioner's knowledge, has never been designated common ground. It was unused green space according to the 1988 St. Louis County Mixed Use Ordinance that was incorporated by Chesterfield;
- Presently there will not be a through street from the front 55 units and Chesterfield Parkway to Hitchcock Road. There is one shared private street for the three (3) lots off Hitchcock Road;
- Storm sewers have to meet MSD specifications;
- Siltation control has to meet City specifications. The City has made it known that they are very rigorous on their siltation control;

- Landscaping will remain and be embellished;
- The fire easement off Hitchcock Road needs to be relocated to make that a build-able lot because the developer has been told that it will have to remain intact;
- The developer has no desire for a microwave tower on this site;
- Letters were mailed to trustees of the neighboring subdivisions.

Vice Chairman Banks reiterated the need for the developer to meet with the residents to explain the project.

Mr. Cox stated that the detention basin will probably be dry but nothing has been decided.

Commissioner Nolen suggested that the developer have nice landscaping around the detention basis.

Commissioner Layton explained the rezoning process.

Commissioner Right read the middle portion of the "Opening Comments."

C. **P.Z. 22-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders**; a request for a change of zoning from an "MXD" Mixed Use Development District to an "R-3" 10,000 square foot Residence District for 13.3 acres of land located southeast of Olive Boulevard, southwest of Appalachian Trail, and northwest and southeast of Hitchcock Road. (Locator Numbers 18R410843, 18R410771 and 18S640744).

AND

D. **P.Z. 23-2000 Laurus Real Estate Partnership and Barnes-Jewish Hospital**; a request for a Conditional Use Permit in an "R-3" 10,000 square foot Residence District for 10.06 acres of land located southeast of Olive Boulevard, southwest of Appalachian Trail. (Locator Number 18R410843).

Proposed Use:

- Nursing home.

1. Mr. Richard Winter, 1321 Green Tree Lane, Glendale, MO 63122, developer for P.Z. 22-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders and P.Z. 23-2000 Laurus Real Estate Partnership and Barnes-Jewish Hospital stated the following:

   - Speaker stated that he joined into the petition for a Conditional Use Permit (CUP) so that Greater Missouri Builders can move ahead on their zoning;

   - Speaker stated that he was present to answer questions.

2. Mr. Roger L. Cox, 1550 Wall Street, St. Charles, MO 63303, petitioner for P.Z. 22-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders and P.Z. 23-2000 Laurus Real Estate Partnership and Barnes-Jewish Hospital;

   - Speaker stated that the present ordinance is for 27 acres. Developer has a contract for 17 of the 27 acres and cannot rezone just the 17 acres but must rezone all 27 acres. Laras has agreed to come in with their 10 acres.

3. Mr. D. F. Smith, 831 Brae Court, Chesterfield, MO 63017, speaking in favor of P.Z.22- 2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders and P.Z. 23-2000 Laurus Real Estate Partnership and Barnes-Jewish Hospital;

- Declined to speak.

SPEAKERS IN OPPOSITION –

4. Mr. David Lazenby, 1000 Clayton Douglas Court, Chesterfield, MO 63017, speaking in opposition to P.Z. 22-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders and P.Z. 23-2000 Laurus Real Estate Partnership and Barnes-Jewish Hospital;

- Speaker expressed concern about the severe erosion problems;
- Speaker stated that he has not seen any details on the homes proposed in the rear.

5. Mr. John Barber, 1312 Conway Oaks Drive, Chesterfield, MO 63017, speaking in opposition to P.Z. 22-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders and P.Z. 23-2000 Laurus Real Estate Partnership and Barnes-Jewish Hospital;

- Speaker expressed concern on access for the three (3) homes in the rear.

6. Ms. Laura Lueking, 15021 Conway Road, Chesterfield, MO 63017, speaking in opposition to P.Z. 22-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders and P.Z. 23-2000 Laurus Real Estate Partnership and Barnes-Jewish Hospital;

- Speaker stated that neighboring residents have not seen any plans;
- Speaker stated that the Comprehensive Plan calls for single-family homes, not attached;
- Speaker stated that a portion of the proposed site is common ground;
- Speaker stated that the watershed is over burdened.

7. Ms. Glennor J. Evans, 15480 Hitchcock, Chesterfield, MO 63017, speaking in opposition to P.Z.- 22-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders and P.Z. 23-2000 Laurus Real Estate Partnership and Barnes-Jewish Hospital;

- Speaker declined to speak.

8. Ms. Melanie Trimmer, 1305 Conway Oaks Drive, Chesterfield, MO 63017, speaking in opposition to P.Z. 22-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders and P.Z. 23-2000 Laurus Real Estate Partnership and Barnes-Jewish Hospital

- Speaker expressed concern about the water runoff.

SPEAKERS – NEUTRAL

9. Mr. Harvey Present, 1073 Appalachian Trail, Chesterfield, MO 63017, speaking neutral to P.Z. 22-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders and P.Z. 23-2000 Laurus Real Estate Partnership and Barnes-Jewish Hospital;

- Speaker stated that he is concerned about access and traffic;
- Speaker stated that he wants to know the direction the nursing facility will be improved.

Councilmember John Nations (Ward II) arrived at the meeting at 8:21 p.m. and replaced Councilmember Brown.

City Attorney Beach stated that if the roadway is large enough and wide enough for fire trucks, even with parking on the street, two (2) entrances may not be required.

10. Mr. Dave Rosen, 15576 Hitchcock Road, Chesterfield, MO 63017, speaking neutral to P.Z. 22-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders and P.Z. 23-2000 Laurus Real Estate Partnership and Barnes-Jewish Hospital;

- Speaker stated that he would like to know what the plan is;
- Speaker asked the developer to give consideration to the placement of the homes with relationship to the present developments;
- Speaker stated that the petitioner may have lost title to some of the property of the proposed site due to neighboring residences taking care of the property.

City Attorney Beach stated that the City does not get involved in adverse possession as to whether or not any of the subdivisions have met certain legal requirements. That is up to individual homeowners and subdivisions to take on themselves.

11. Mr. Dennis Motchan, 15489 Hitchcock Road, Chesterfield, MO 63017, speaking neutral to P.Z. 22-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders and P.Z. 23-2000 Laurus Real Estate Partnership and Barnes-Jewish Hospital;

- Speaker stated that there is no berm on the east side of the proposed site;
- Speaker expressed concern about the lighting;
- Speaker expressed concern about water runoff;
- Speaker stated that the petitioner said the fire easement could be relocated but stated that there is no place for it to go.

12. Ms. Jean Henderson, 1006 Clayton Douglas Court, Chesterfield, MO 63017, speaking neutral to P.Z. 22-2000 Greater Midwest Builders, LTD, dba Greater Missouri Builders and P.Z. 23-2000 Laurus Real Estate Partnership and Barnes-Jewish Hospital;

- Speaker declined to speak.

REBUTTAL –

Mr. Cox stated the following:

- Homes will be in the $300,000 range;
- Whether the homes are 1-story or 2-story depends on the purchaser of those lots;
- The existing streets will remain virtually unchanged. Chesterfield Point Parkway is going to be increased in thickness, but its width and length will remain unchanged;
- The existing fire access easement is done with brick pavers. Petitioner would like to move those to one side of the lot so there is a more buildable lot. In 1988, the Fire Department asked for access to the rear of Garden View and they will ask for it again this year. It is just a stub easement.

Mr. Winter stated that the back drainage area will stay as it is. If there is a need to adjust the current drainage, it will be done for the addition.

Commissioner Right read the closing portion of the "Opening Comments."

V. APPROVAL OF MEETING MINUTES

Commissioner Nolen made a motion **to approve** the June 12, 2000 Meeting Minutes. The motion was seconded by Commissioner Layton and **passes by a voice vote of 5 to 0.**

Vice Chairman Banks called a recess at 8:40 p.m. The meeting reconvened at 8:54 p.m.

Vice Chairman Banks stated that the petitioners for P.Z. 09-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Venture (Mill Valley Estates), P.Z. 10-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Venture (Mill Valley Estates), and P.Z. 11-2000 St. Louis Family Church have asked to have their petitions held until the next Planning Commission meeting on July 10, 2000.

VI. PUBLIC COMMENT

1. Mr. Daniel Bloom, 17643 Bridgeway Circle, Chesterfield, MO 63005, attorney for P.Z. 09-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Venture (Mill Valley Estates) and P.Z. 10-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Venture (Mill Valley Estates);

- Stated that the petitioner wants these two (2) petitions held;
- Stated that a software study had been completed by the Corp of Engineers and the Federal Emergency Management Associate (FEMA). The calculations show as to how, if at all, this would impact the surrounding property and the subject site for flood plain. One cannot build if it ends up adversely impacting any surrounding properties; i.e. raising the table waters and one cannot build unless the site is going to be raised out of flood plain. The petitioner's engineer will perform those calculations. The Army Corp of Engineers, FEMA and the City of Chesterfield must give their approval. This is a specific condition of the proposed ordinance. This is done by removing land from the lakes, digging out the lakes and using that. It is called 'cut and fill.' This is raising the site in which you are going to build upon.
- Pertaining to the impact on the 141 Extention – Comments have been received from MoDOT and other agencies charged with investigating this. Communication has been received from a state representative who stated that he believes the petitioner's willingness to make a dedication of the right-of-way could make it easier to put forward the 141 project.
- Speaker stated that the applicable ordinance states that as a condition, in order to go forward with this, the petitioner must meet any conditions that MoDOT imposes. MoDOT has sent a letter stating that they do not oppose the project. They say there is the possibility that the road might go through the proposed area but they do not asked for it to be tabled or held.

2. Mr. Todd Brady, engineer for P.Z. 09-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Venture (Mill Valley Estates) and P.Z. 10-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Venture (Mill Valley Estates);

- Speaker stated that any development done in the flood plain needs to be certified that there is no rise in the water surface elevation from what the current condition is today.

Commissioner Nolen stated that the 141 Extension will go through eventually. An earlier question had been asked about what happens to the residents across Olive Road.

Mr. Brady stated that no one has decided where the 141 Extension will go. Most of the alignments that make any sense would dictate an elevated roadway through the majority of the proposed site which would then elevate the road up and would have no impact on the flood plain.

Vice Chairman Banks stated that the plans are to have two (2) or three (3) ponds with standing water. It seems to be water filling cut dirt that is moved up to the building. If that is filled with water already, where does the volume come from that is needed when the flood comes.

Mr. Brady stated once you draw a line of the 100-year flood plain elevation on the site and they start filling in the area where the houses go above the 'X' elevation, all of the dirt above the 'X' elevation does not count against this project in the flood plain storage so any of the excess dirt that is cut can be filled with water and you still have the same volume because it is not displacing any volume anywhere else on the site. It is above the 100-year flood elevation and outside of the flood calculations for storage.

Vice Chairman Banks asked for clarification that even with the lakes filled in, is there enough vacant volume above that to handle the presumed flood.

Mr. Brady said yes. Mr. Brady stated that so many agencies look at the plan and approve it that if it is not approved, they cannot build the project.

3. Mr. Ed Levinson, petitioner for P.Z. 09-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Venture (Mill Valley Estates) and P.Z. 10-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Venture (Mill Valley Estates);

- Speaker stated he does not have a problem with the Staff report. He is willing to accept all conditions in the Attachment A.
- Speaker stated that he would comply with every law and ordinance.

City Attorney Beach stated that Attachment A does not show the request for dedication or dedication strip. City Attorney Beach stated that it needs to be made part of the ordinance.

Mr. Levinson stated that it would be.

4. Mr. Don Dosser, 1426 Old Farm Drive, St. Louis, MO 63146, trustee for Old Farm Subdivision, speaking in opposition to P.Z. 09-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Venture (Mill Valley Estates) and P.Z. 10-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Venture (Mill Valley Estates);

- Speaker presented pictures to the Commission of flooding on Creve Coeur Mill Road during the past week-end.

Commissioner Kodner stated that the proposed site is dangerous ground. Commissioner Kodner stated that the certifications are not warranties. Commissioner Kodner stated that, in his opinion, this site is not ready for residents and that the project is not doable.

5. Mr. Charlie Eifler, 59 River Bend Drive, Chesterfield, MO 63017, speaking in opposition to P.Z. 09-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Venture (Mill Valley Estates) and P.Z. 10-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Venture (Mill Valley Estates);

- Speaker stated that page 3 of the cover letter in the Staff report, 'DEPARTMENT OF PLANNING INPUT - ISSUES, 2. Second paragraph states, "As discussed previously in this report, residential development, both single family attached and detached exist in the area. The rezoning request would result in correctly labeling land that is proposed to be elevated from the floodplain, it is not a request for increased density." Speaker stated that the essence of this is whether land that is now in the floodplain should be taken out of the floodplain;

- Speaker stated that the Commission and City would not get any data, according to Attachment A, until the Site Development Plan is approved. The zoning would be in place and the data would be received a maximum of 18 months later which determines what happens with the flood water, storm water, etc.;
- Speaker stated that Section 4.2.2.Floodplain Restrictions of the Comprehensive Plan states, "The 100-year flood plan should be preserved in the northeast section of the City;"
- Speaker stated that this is such a fragile area that when the City of Maryland Heights wanted to extend the Earth City Expressway to Olive Boulevard, the EPA said that an Environmental Impact Study would be required of the route of the road and from the lowlands area from Olive Boulevard to I-70;
- Speaker asked the Commission to vote against or delay the vote until all information is received.

6. Mr. John Altheide, 341 Ridge Trail Drive, Chesterfield, MO 63017, speaking in opposition to P.Z. 09-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Ventre (Mill Valley Estates) and P.Z. 10-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Venture (Mill Valley Estates);

- Speaker presented pictures to the Commission that shows the erosion of the proposed site and flooding from the rains.

7. Mr. Shawn Steadman, 101 LaGorce Drive, Chesterfield, MO 63017, speaking neutral to P.Z. 09-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Ventre (Mill Valley Estates) and P.Z. 10-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Venture (Mill Valley Estates);

- Declined to speak.

8. Mr. Michael Doster, 16476 Chesterfield Airport Road, Chesterfield, MO 63017, speaking as attorney for P.Z. 06-2000 Chesterfield West Executive Center and P.Z. 11-2000 St. Louis Family Church;

- Speaker stated that petitioner for P.Z. 11-2000 St. Louis Family Church would like this held until the July 10, 2000 Planning Commission meeting so they may review the Attachment A;
- Speaker stated that the petitioner for P.Z. 06-2000 Chesterfield West Executive Center would like some changes made to the Attachment A. The changes are as follows:

    1. Attachment A, page 1, II. A. 2. - "Gross floor area constructed for the development shall not exceed ~~25,000~~ **30,000** square feet." Mr. Doster stated that the plan submitted to the City shows 30,000 square feet.

    2. Attachment A, page 5, 5. Access, a. (second sentence) "The first entrance shall be aligned with Brae Lane." Mr. Doster stated that they are requesting that that language be changed to read, "The first entrance shall be located as directed by the Department of

Public Works." The plan shows that the first entrance is not currently aligned with Brae Lane and that is primarily done for two (2) reasons. One is that many residents of Braefield do not want to see this entrance aligned with Brae Lane. Secondly, the plan works well if we do not align it so it is a question that will be left up to the Department of Public Works in any event so they would like to change that language.

3. The citizens have commented that they do not want to see another sidewalk along West Drive. They do not think it is necessary. They would rather see green space. In Section 6 of that same page, he questions the need to have a sidewalk. Obviously, if it is required by the City it will be put it in. may speak to you this evening on those issues.

Vice Chairman Banks stated that he had a question about the entrance alignment. He thought the Department of Public Works was the one that was quarreling already when wanting it aligned with the other streets so what is gained by changing the wording?

Mr. Doster stated that he would not want to say we are quarreling about it. They have made a comment, as I understand it, that the two would be aligned. There has been some discussion with the Department of Public Works that indicates to us that there may be the ability to compromise on this issue by widening the distance between this first entrance and Brae Drive. We need to explore that. I think you achieve the same result by just saying 'as directed by the Department of Public Works.' Because if we are able to present to them an adjustment in our plan that would satisfy their concerns, then we could still offset the two. Now, if they stick to their comment then 'as directed by the Department of Public Works' means that it will have to be aligned. As we understand it, that is not what the citizens want.

9. Mr. Tim Hall, 217 Chesterfield Industrial Boulevard, Chesterfield, MO 63005, petitioner for P.Z. 6-2000 Chesterfield West Executive Center;

- Speaker stated that the difference in the number of square feet between 25,000 and 30,000 was that the civil engineer only picked up the ground floor area and did not include the loft square footage;
- Speaker stated that the parking requirements are in alignment with the 30,000 square feet.

10. Mr. Joseph Balk, 15344 Braefield Drive, Chesterfield, MO 63017, speaking in opposition to P.Z. 6-2000 Chesterfield West Executive Center;

- Had left the meeting.

11. Mr. D. F. Smith, 831 Brae Court, Chesterfield, MO 63017, trustee for Braefield, speaking in favor of P.Z. 6-2000 Chesterfield West Executive Center;

- Speaker stated that he liked the plan and it is acceptable to the residents of Braefield.

12. Mr. Bernie Schmidt, 857 Braefield Court, Chesterfield, MO 63017, trustee for Braefield, speaking neutral to P.Z. 6-2000 Chesterfield West Executive Center;

- Speaker stated that the residents of Braefield approve of the plan and object to any change of alignment of either of the exits;
- Speaker stated that they do not want the exit closest to Olive Boulevard to line up with Brae Lane because that would be an invitation for traffic to go there;
- Speaker asked the Commission to approve the plan as it currently exists.

13. Mr. Ed Hilke, 15412 Braefield Drive, Chesterfield, MO 63017, speaking in favor of P.Z. 6-2000 Chesterfield West Executive Center;

- Speaker stated that he objects to the change in the access.

14. Mr. James Robinson, 15425 Braefield Drive, Chesterfield, MO 63017, speaking in opposition to P.Z. 6-2000 Chesterfield West Executive Center;

- Speaker stated that a change in the entrance realignment would change the traffic flow;
- Speaker stated that if a change in access is necessary, make it an entrance only and the exit at the other end;
- Speaker expressed concern about the drainage from the proposed site.

15. Mr. Walter Werner, 15364 Braefield Drive, Chesterfield, MO 63017, speaking in opposition to P.Z. 6-2000 Chesterfield West Executive Center;

- Speaker expressed concern with the impact of the proposed entrance.

15. Mr. Stewart MacGregor, 14762 Plumas Drive, Chesterfield, MO, speaking in favor of P.Z. 19-2000 Bluestone Commons, Inc. (Chesterfield Commons);

- Declined to speak.

16. Mr. Randy Bluestone, 17402 Country Lake Estates Road, Chesterfield, MO 63005, petitioner for P.Z. 19-2000 Bluestone Commons, Inc. (Chesterfield Commons);

- Declined to speak.

VII. NEW BUSINESS

Commissioner Layton made a motion to suspend the rules to change the order of the agenda. The motion was seconded by Commissioner Nolen **and passes by a voice vote of 5 to 0.**

D. **P.Z. 09-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Venture (Mill Valley Estates)**; a request for a rezoning from "NU" Non-Urban District and "FPNU" Flood Plain Non Urban District to "R-2" 15,000 square foot Residence District and "FPR-2" Flood Plain 15,000 square foot Residence District for a 37.4 acre tract of land located on the west side of Creve Coeur Mill Road, north of Olive Boulevard. (Locator Number 16Q64-0241).

AND

E. **P.Z. 10-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Venture (Mill Valley Estates)**; a request for a Planned Environment Unit (PEU) Procedure in the "R-2" 15,000 square foot Residence District and "FPR-2" Flood Plain 15,000 square foot Residence District for the same 37.4 acre tract of land located on the west side of Creve Coeur Mill Road, north of Olive Boulevard. (Locator Number 16Q64-0241).

Proposed Uses:

- Dwellings, single family attached;
- Dwellings, single family detached.

Commissioner Layton made a motion to hold P.Z. 9-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Venture (Mill Valley Estates) and P.Z. 10-2000 Levinson Building & Realty, Inc., Larry & Terrie Walsh, Alexandria Properties Joint Venture (Mill Valley Estates) for two (2) weeks for changes to the proposed ordinance to bring the comments of the petitioner in line with City Attorney Beach recommendations. The motion was seconded by Commissioner Nolen **and passes by a voice vote of 5 to 0.**

Staff has the understanding that one change would be in include the 300-foot strip in the new Attachment A.

F. **P.Z. 11-2000 St. Louis Family Church:** A request for a change in zoning from "C-8" Planned Commercial, "NU" Non-Urban, and "M-3" Planned Industrial Districts to "PI" Planned Industrial for a 16.17 acre tract of land located south of Chesterfield Airport Road, west of Valley Center Drive, more commonly known as St. Louis Family Church (Locator Numbers: 17U230298, 17U210179, 17U210168, 17U230201, 17U230221, 17U230111).
Proposed Uses:

- Churches shall be allowed on tracts of land of at least one acre in area.

Commissioner Layton made a motion to hold P.Z. 11-2000 St. Louis Family Church for two (2) weeks. The motion was seconded by Commissioner Nolen **and passes by a voice vote of 5 to 0.**

Vice Chairman Banks stated that the regular order of the agenda would now be followed.

A. Planning Commission Policy Relative to Existing Violations

City Attorney Beach stated that P.Z. 19-2000 Bluestone Commons Inc. (Chesterfield Commons) was being held due to violations. Mr. Michael Doster, attorney for petitioner, stated that the violations are against the owner of the property and not the petitioner. The petitioner is under contract to purchase this property from THF Realty.

Commissioner Layton stated that the petitioner is not the one with the violators, but the owner of the property is.

Councilmember Nations, referred to Planning Commission Minutes dated March 25, 1991, page 6, E. Procedures Committee, "Chairman McGuinness discussed with the Commission setting a policy that no item should be placed on the Commission agenda unless the project is in compliance with applicable zoning and subdivision regulations." Councilmember Nations asked City Attorney Beach that, if the policy was as originally articulated at the bottom of paragraph 6 (holding the entire project), would that be an enforceable policy. Councilmember Nations stated that, in his opinion, Bluestone is not a part of the overall project.

City Attorney Beach suggested some subjectivity could be used. For instance, does one think that if they are moving forward but trying to comply, do you hold a project up? City Attorney Beach stated that the Commission needs to clarify their intention with regards to their policy.

Commissioner Nolen suggested moving the project along and possibly holding it later in the process.

Commissioner Kodner made a motion to move forward with the Issues Report for P.Z. 19-2000 Bluestone Commons Inc. (Chesterfield Commons) noting that the owner in contract is not in violation of any Chesterfield ordinances. The motion was seconded by Commissioner Right **and passes by a voice vote of 5 to 0.**

Vice Chairman Banks stated that this would be sent to the Procedures and Planning Committee for review.

B. P.Z. 19-2000 Bluestone Commons Inc. (Chesterfield Commons)

An amendment to the City of Chesterfield Ordinance Number 1344, as amended, revising the permitted uses to include "filling stations," "vehicle washing facilities,", and "vehicle service centers" in the "C-8" Planned Commercial District. Located between the Sachs Electric Facility and the McBride Building on the north and south side of Chesterfield Airport Road.

Director of Planning Price gave an overview of this petition and asked the Commission if they had any additional issues they would like reviewed.

Commissioner Nolen stated that she would like to review the landscaping along Highway 40. Commissioner Nolen stated that she would like a rendering of the Taylor Morley Building, Bluestone and the hotel being built so she can see how all three (3) projects work together.

Commissioner Nolen stated that she would like to see photographs showing the gas pumps at night in order to review the lighting.

Commissioner Layton stated that the petitioner agreed that this ordinance amendment would be site-specific and wants to make sure that is in the ordinance.

Commissioner Layton stated that the Architectural Review Board (ARB) had some significant comments on Jiffy Lube that should be included.

Vice Chairman Banks stated that P.Z. 19-2000 Bluestone Commons Inc. (Chesterfield Commons) would be held until agency comments have been received and all issues addressed.

C. **P.Z. 06-2000 Chesterfield West Executive Center:** A proposal to amend City of Chesterfield Ordinance Number 773 creating conditions for the "C-8" Planned Commercial District, and to allow "medical and dental offices" and "offices or office buildings" as permitted uses. Said property is located on the north side of Olive Boulevard and immediately west of West Drive.

Assistant Director of Planning Laura Griggs-McElhanon addressed the three (3) items brought up by the petitioner's attorney:

1. Stated that the only Preliminary Plan that the Department received indicated the two (2) buildings had a total square footage 23,421 square feet. A standard comment in the Attachment A states, "The square footage constructed shall be based on the development's ability to comply with the parking and storm water regulations of the City of Chesterfield." Ms. Griggs-McElhanon stated that currently there is an excess number of parking spaces shown, however, medical office which is a requested use requires greater parking than general office. The parking requirements are 3 1/3 /1000 for general office and 4 1/2/1000 or 4 per doctor plus one (1) for each employee, whichever is greater. Based on the parking that the plan shows, there is enough parking for a general office with 30,000 square feet. If you begin to start zeroing in how much square footage could be medical office, that has not been done. The project has to be able to park what they are building. The petitioner is aware of this. The footprint is not changing but the petitioner must be able to include in their calculations all of the square footage including the loft space. For example, the petitioner would not be able to have all medical office because they would not have enough parking.

2. The entrance alignment – Both the Department of Public Works and MoDOT requested that the first entrance align with Brae Hill Lane. Staff has enclosed MoDOT's comment but no revised comments from Public works have been received.

3. Sidewalk on West Drive – Petitioner is asking that the sidewalk be deleted. The Department of Public Works is requesting the sidewalk. There is a sidewalk on the other side of West Drive. Typically there is a sidewalk on both sides of the street in the City when there is the ability to request them when developments come in.

Commissioner Layton made a motion to approve P.Z. 6-2000 Chesterfield West Executive Center as confirmed in Attachment A with the following exceptions: Page 1, Item II.A.2. be amended to increase the building to 30,000 square feet; page 5, Item VII.5. Access. a. the entrance alignment to be worked out as directed by the Department of Public Works, and no changes in the sidewalk requirements. The motion was seconded by Commissioner Nolen.

Commissioner Kodner made an amendment to the motion that the sidewalk be five (5) feet wide (Attachment A, page 5, VII. 6. Public/Private Road Improvements, Including Sidewalks.c.) The motion was seconded by Commissioner Right **and passes by a voice vote of 3 to 2. (Commissioner Layton and Vice Chairman Banks voted nay.)**

The Commission will vote on the motion to P.Z. 6-2000 Chesterfield West Executive Center:

Upon a roll call the vote was as follows: Commissioner Kodner, yes; Commissioner Layton, yes; Commissioner Nolen, yes; Commissioner Right, yes; Vice Chairman Banks, yes.

The motion to approve passes by a vote of 5 to 0.

Staff will make the strong recommendation from the Planning Commission to the Department of Public Works that they try to avoid alignment with Braefield.

Staff will get from the Department of Public Works their criteria for requiring four (4) or five (5) foot sidewalks.

VIII. SITE PLANS, BUILDING ELEVATIONS AND SIGNS:

A. **Babies 'R Us**: Site Development Plan, Landscape Plan, and Architectural Elevations for a retail building and shops as part of the Chesterfield Commons, in the "C-8" Planned Commercial District, located on the south side of I-64 at the Boone's Crossing interchange.

Commissioner Nolen, on behalf of the Site Plan Committee, recommends approval of the Site Development Plan, Landscape Plan and Architectural Elevations for **Babies 'R Us**. The motion was seconded by Commissioner Right **and passes by a voice vote of 5 to 0**.

B. **Parkway West Middle School Gymnasium Addition** A Site Development Section Plan and Architectural Elevations for a gymnasium addition at the Parkway West Middle School. The subject property is zoned "NU" Non-Urban and is located on an existing 22 acre school site at 2313 Baxter Road.

Commissioner Nolen, on behalf of the Site Plan Committee, recommends approval of the Site Development Section Plan and Architectural Elevations for the **Parkway West Middle School Gymnasium Addition.** The motion was seconded by Commissioner Layton **and passes by a voice vote of 5 to 0.**

C. **Jack In The Box:** A Site Development Section Plan, Architectural Elevations, and Landscape Plan. The subject property is zoned "C-8" Planned Commercial and is located on Outlot #4, in the Chesterfield Commons.

Commissioner Nolen, on behalf of the Site Plan Committee, recommends approval of the Site Development Section Plan, Architectural Elevations and Landscape Plan for **Jack In The Box** with the conditions that there will not be any neon on the building exterior, the average foot candle level must be eight (8) or less, the lighting fixtures for the parking lot must have flat lenses and the electrical boxes must be landscaped. The motion was seconded by Commissioner Layton **and passes by a voice vote of 5 to 0.**

VIII. COMMITTEE REPORTS:

A. Ordinance Review Committee - No report
B. Architectural Review Committee – No report
C. Site Plan/Landscape Committee – No report
D. Comprehensive Plan Committee – No Report
E. Procedures and Planning Committee – No report

Commissioner Nolen stated that the trash dumpsters for Red Robin Restaurant are not enclosed and they are not in compliance.

Commissioner Kodner stated that he will not be available to attend the July 6, 2000 Planning and Zoning Committee to address concerns about traffic and development. Commissioner Layton will be the replacement and attend the meeting with Commissioner Macaluso and Commissioner Nolen.

The meeting was unanimously adjourned at 10:24 p.m.

Victoria Sherman, Secretary